

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

OLIVIA Y., et al

Plaintiffs

v.

PHIL BRYANT, as Governor of the  
State of Mississippi, *et al.*,

Defendants

CIVIL ACTION NO. 3:04cv251 TSL-FKB

**DEFENDANTS' FIRST SET OF  
INTERROGATORIES TO PLAINTIFFS**

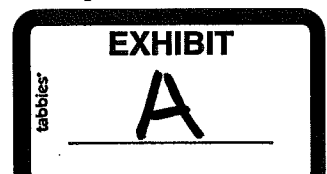
Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Defendants propound this First Set of Interrogatories to the Plaintiffs.

**INSTRUCTIONS**

1. Each interrogatory is to be set forth immediately above the answer or objection to the interrogatory.
2. If you claim privilege as a ground for not responding completely to an interrogatory based on the attorney-client privilege or the work product doctrine, describe the factual and legal basis for your claim of privilege or other objection.
3. These interrogatories shall be continuing.
4. The conjunctions "and" and "or" shall be interpreted as meaning "and/or" and shall not be interpreted to exclude any information.

**DEFINITIONS**

"Communication(s)" means any written or oral transfer or exchange between two or more persons of any information, including, but not limited to, personal conversations, correspondence,



electronic mail, telephone calls, voice mail, telegrams, facsimile transmissions, computer data transmissions, telexes, and inter-office memoranda.

“Document(s)” means any tangible thing which may be the subject of a document request under Rules 26 and 34 of the Rules of Civil Procedure and includes, but is not limited to, all correspondence, memoranda, drafts, contracts, arrangements, understandings, studies, reports and other written communications and computerized records of any kind, including, but not limited to, electronic mail and documents stored in computer files or databases.

“Identify” when used in reference to (a) a natural individual, requires you to state his or her full name, residential address, business address and business telephone number; (b) a corporation, requires you to state its full corporate name, its state of incorporation and the address and telephone number of its principal place of business; (c) an unincorporated business, requires you to state the full name under which the business is conducted and its business address and telephone number; (d) a document, requires you to state with regard to each document the title, the date, the author(s), the recipient(s), and its present location and custodian.

"Governor" or "Governor's Office" means the Governor of the State of Mississippi.

"MDCPS" means the Mississippi Department of Child Protection Services.

“Person” means any natural individual in any capacity whatsoever or any entity or organization.

“Relates to or relating to” means supports, evidences, describes, mentions, refers to, pertains to, contradicts or comprises.

“Representative” means any person acting or purporting to act on behalf of the person or entity in question including Plaintiffs' counsel.

"Rule 60(b) Hearing" means the hearing that will be held relating to the Defendants' Rule 60(b) Motion.

"Rule 60(b) Motion" means the 60(b) motion filed by the Defendants on July 3, 2018. [Dkt. No. 756].

"You," "Your," or "Yourself," means the Plaintiffs.

### **INTERROGATORIES**

**Interrogatory No. 1:** Identify all persons who have provided any information included in the answers to these interrogatories or have assisted in any way with the preparation of the answers to the interrogatories, including their full names, job titles, addresses, and telephone numbers, and state which interrogatory each person assisted in answering.

**Interrogatory No. 2:** State the full name, address, and telephone number of each person who you believe has personal knowledge of discoverable matters that relating to the Rule 60(B) Motion and describe the knowledge that you believe he or she has.

**Interrogatory No. 3:** Identify each person you and/or your representatives have interviewed in person or by telephone with regard to the allegations in the Defendants' Rule 60(b) Motion.and state: (a) the date of the interview; (b) the names of all persons who were present during the interview; (c) whether a written summary of the interview was prepared; (e) the author of the summary; and (f) the name of the individual who has possession of the summary.

**Interrogatory No. 4:** Identify non-expert witnesses you or your representatives may call as a witness at the Rule 60(b) Hearing.

**Interrogatory No. 5:** Identify each person you or your representatives may call as an expert witness at the at the Rule 60(b) Hearing and for each person state the subject matter on which the

expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and a summary of the grounds for each opinion.

**Interrogatory No. 7:** If you are withholding any document(s) requested in Defendants' First Request for Production of Documents, identify each document and explain the basis upon which it is being withheld from production.

This the \_\_\_\_ day of \_\_\_\_\_, 2018.

PHIL BRYANT, as Governor of the State of Mississippi; JESS H. DICKINSON, as Commissioner, Mississippi Department of Child Protection Services; and TRACY MALONE, as Deputy Commissioner of Child Welfare, Mississippi Department of Child Protection Services

By: /s/ James L. Jones

OF COUNSEL:

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Harold E. Pizzetta, III  
Special Assistant Attorney General  
OFFICE OF THE MISSISSIPPI ATTORNEY GENERAL  
P. O. Box 220  
Jackson, MS 39205

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to the following:

Marcia Robinson Lowry (*phv*)  
Sara Robinson-Glasser (*phv*)  
Erica Reed (*phv*)  
A BETTER CHILDHOOD  
1095 Hardscrabble Road  
Chappaqua, NY 10410

W. Wayne Drinkwater, Jr. (MSB #6193)  
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Jackson, MS 39201

Christian Carbone (*phv*)  
LOEB & LOEB, LLP  
345 Park Avenue  
New York, NY 10154

SO CERTIFIED, this the \_\_\_\_ day of \_\_\_\_\_, 2018.

/s/ James L. Jones

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**DEFENDANTS' FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS TO PLAINTIFFS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Defendants, propound this First Requests for Production of Documents to the Plaintiffs.

**INSTRUCTIONS**

1. The document requests seek the production of the original documents, as well as all identical and all non-identical copies of the requested documents.
2. The requests to which the documents produced are responsive shall be designated.
3. No document request shall be construed as limiting any other document request or the general language in the same request.
4. If any requested document is alleged to be privileged or otherwise protected from discovery based on the attorney-client privilege or the work product doctrine, state the following with regard to each document:

- a. the author;
- b. the date;

- c. the addressees;
- d. the general nature and subject matter; and
- e. the basis upon which it is claimed to be privileged or otherwise protected from discovery.

5. These requests for production of documents shall be continuing.

6. The conjunctions “and” and “or” shall be interpreted as meaning “and/or” and shall not be interpreted to exclude any requested document.

### **DEFINITIONS**

“Between” means sent by, submitted by, sent to, submitted to, exchanged by, and received from.

“Communication(s)” means any written or oral transfer or exchange between two or more persons of any information, including, but not limited to, personal conversations, correspondence, electronic mail, telephone calls, voice mail, telegrams, facsimile transmissions, computer data transmissions, telexes, and inter-office memoranda.

“Document(s)” means any tangible thing which may be the subject of a document request under Rules 26 and 34 of the Federal Rules of Civil Procedure and includes, but is not limited to, all correspondence, memoranda, drafts, contracts, arrangements, understandings, studies, reports and other written communications and computerized records of any kind, including, but not limited to, electronic mail and documents stored in computer files or databases.

"Governor" or "Governor's Office" means the Governor of the State of Mississippi.

"MDCPS" means the Mississippi Department of Child Protection Services.

"MDHS" means the Mississippi Department of Human Services.

“Person” means any natural individual in any capacity whatsoever or any entity or organization.

“Relates to or relating to” means supports, evidences, describes, mentions, refers to, pertains to, contradicts or comprises.

“Representative” means any person acting or purporting to act on behalf of the person or entity in question including Plaintiffs' counsel.

"Rule 60(b) Hearing" means the hearing that will be held relating to the Defendants' Rule 60(b) Motion.

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“You,” “Your,” or “Yourself,” means the Plaintiffs.

### **REQUESTED DOCUMENTS**

**Request No. 1:** All documents consulted or relied upon in preparing your responses to the Defendants' First Set of Interrogatories.

**Request No. 2:** All documents identified in your response to the Defendants First Set of Interrogatories.

**Request No. 3:** All statistical analyses, data bases, compilations of data, and/or computations, you anticipate utilizing at the Rule 60(b) Hearing.

**Request No. 4:** All evidentiary documents you anticipate offering into evidence at the Rule 60(b) Hearing.

**Request No. 5:** All demonstrative documents you anticipate utilizing at the Rule 60(b) Hearing.

**Request No. 6:** All documents received by you or your representatives pursuant to any subpoenas related to the Rule 60(b) Motion.



**Request No. 8:** All communications between you and/or your representatives and the MDHS and/or the Governor or the Governor's Office related to the Rule 60(b) Motion.

**Request No. 7:** All documents and communications between you and/or your representatives and any lay person, media person, or other third party relating to the Rule 60(b) Motion and a copy of his or her curriculum vitae.

**Request No. 8.** The report required by Rule 26 (a)(2) prepared by each expert you will or may call as an expert witness at Rule 60(b) Motion Hearing and a copy of his or her curriculum vitae.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

PHIL BRYANT, as Governor of the State of Mississippi; JESS H. DICKINSON, as Commissioner, Mississippi Department of Child Protection Services; and TRACY MALONE, as Deputy Commissioner of Child Welfare, Mississippi Department of Child Protection Services

By: /s/ James L. Jones

OF COUNSEL:

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Assistant Attorney General  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to the following:

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Sara Robinson-Glasser (*phv*)  
Erica Reed (*phv*)  
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LOEB & LOEB, LLP  
345 Park Avenue  
New York, NY 10154

SO CERTIFIED, this the \_\_\_\_ day of \_\_\_\_\_, 2018.

/s/ James L. Jones